



**DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253**

5720 2017-010047
SER00LJF/17U1965
September 22, 2017

Mr. John Greenewald, Jr.
27305 W. Live Oak Road
Suite #1203
Castaic, CA 91384

Dear Mr. Greenewald:

This responds to your August 25, 2017 electronic Freedom of Information Act (FOIA) request seeking a copy of the July 29, 2016 Investigative Action report to the Naval Criminal Investigative Service report cited as Case Control Number: 25APR16-DCWA-0113-7BNA.

We have recently obtained and completed the processing of the aforementioned report. Our review of this document reveals that it contains personal identifiers (such as names and social security numbers) of third parties, the release of which would constitute an unwarranted invasion of personal privacy. Accordingly, we must partially deny your request and withhold this information pursuant to the FOIA provisions 5 U.S.C. § 552(b)(6) and (b)(7)(C).

All releasable information is provided to you at enclosure (1). We have also provided an enclosure explaining the various exemptions of the FOIA.

As the official responsible for the partial denial of your request, I am advising you of your right to appeal this determination. Your appeal must be postmarked within 90 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal". A copy of your initial request and a copy of this partial denial letter must accompany the appeal.

If you choose not to appeal, you have the right to seek dispute resolution services. You may contact the Department of the Navy's FOIA public liaison, Mr. Chris Julka, at christopher.a.julka@navy.mil or (703) 697-0031 or the Office of Government Information Services (<https://ogis.archives.gov/>).

There are no assessable fees associated with the processing of your request. Should you have any questions, please contact us at (571) 305-9092 or via electronic mail at ncis_foia@ncis.navy.mil.

Sincerely,

\\s\\

FOIA COORDINATOR

Encl:
(1) Documents



Explanation of the Nine FOIA Exemptions

The following is a list of FOIA exemptions which apply to Government information in accordance with 5 U.S.C. § 552(b):

(b)(1) EXEMPTION – Protects Classified Matters of National Defense or Foreign Policy.

This exemption protects from disclosure national security information concerning the national defense or foreign policy, provided that it has been properly classified in accordance with the substantive and procedural requirements of an executive order.

(b)(2) EXEMPTION – Internal Personnel Rules and Practices.

This exemption exempts from mandatory disclosure records “related solely to the internal personnel rules and practices of an agency.” Courts have interpreted the exemption to encompass two distinct categories of information:

- (a) Internal matters of a relatively trivial nature – sometimes referred to as “low2” information: and

(b)(3) EXEMPTION – Information Specifically Exempted by Other Statutes:

This exemption incorporates the disclosure prohibitions that are contained in various other federal statutes. As originally enacted in 1966, Exemption 3 was broadly phrased so as to simply cover information “specifically exempted from disclosure by statute.” The new Exemption 3 statute prohibits agencies from releasing under the FOIA proposals, “unless that proposal” is set forth or incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal.”

(b)(4) EXEMPTION – Trade Secrets Commercial or Financial Information.

This exemption protects “trade secrets and commercial or financial information obtained from a person (this is) privileged or confidential.” This exemption is intended to protect the interest of both the government and submitter of information.

(b)(5) EXEMPTION – Privileged Interagency or Intra-Agency Memoranda or Letters.

This exemption protects “inter-agency or intra-agency memorandums of letters which would not be available by law to a party... in litigation with the agency.” As such, it has been construed to “exempt those documents, and only those documents, normally privileged in the civil discovery context.”

(b)(6) EXEMPTION- Personal Information Affecting an Individual’s Privacy.

This exemption permits the government to withhold all information about individuals in “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This exemption cannot be invoked to withhold from a requester information pertaining to the requester.

(b)(7) EXEMPTION – Investigatory Records Compiled for Law Enforcement Purposes.

As amended, this exemption protects from disclosure “records or information compiled for law enforcement purposes.

EXEMPTION 7(A) Records of information that could reasonably be expected to interfere with enforcement proceedings. This exemption authorizes the withholding of “records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information... could reasonably be expected to interfere with enforcement proceedings.”

EXEMPTION 7(B) Disclosure which would deprive a person of a fair trial or an impartial adjudication. Records that would prevent prejudicial pretrial publicity that could impair a proceeding, protect “records of information compiled for law enforcement purposes (the disclosure of which) would deprive a person of the right to a fair trial or an impartial adjudication.”

EXEMPTION 7(C) Personal Information in Law Enforcement Records. This exemption provides protection for personal information in law enforcement records. This exemption is the law enforcement counterpart to Exemption 6, providing protection for law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.”

EXEMPTION 7(D) Identity of a Confidential Source. This exemption provides protection for “records or information compiled for law enforcement purposes (which) could reasonably be expected to disclose the identity of a confidential source – including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis – and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source.”

EXEMPTION 7(E) Circumvention of the Law. This exemption affords protection to all law enforcement information which “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

EXEMPTION 7(F) Physical Safety to Protect a wide Range of individuals. This exemption permits the withholding of information necessary to protect the physical safety of a wide range of individuals. Whereas Exemption 7(F) previously protected records that “would... endanger the life or physical safety of law enforcement personnel.” The amended exemption provides protection to “any individual when disclosure of information about him or her “could reasonably be expected to endanger (his/her) life or physical safety.”

(b)(8) EXEMPTION – Records of Financial Institutions.

This exemption covers matters that are “contained in or related to examinations, operating, or condition reported prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.”

(b)(9) EXEMPTION – Geographical and Geophysical Information Concerning Wells.

This exemption covers “geological and geophysical information and data, including maps concerning wells.”

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

29JUL16

CONTROL: 25APR16-DCWA-0113-7BNA

I/SUITLAND, MD/REPORTED BOMB THREAT AT NIMITZ OPERATIONAL INTELLIGENCE CENTER

RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) CIV

1. On 28Jul16, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) CIV, hereafter referred to as (b)(6), (b)(7)(C) at his residence, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) regarding this investigation. Also present was (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and caretaker, (b)(6), (b)(7)(C) provided RA with an expired CA driver's license for identification purposes and provided (b)(6), (b)(7)(C) as his date of birth. (b)(6), (b)(7)(C) was unable to recall his social security number. (b)(6), (b)(7)(C) appeared nervous and cautious in his responses. RA observed (b)(6), (b)(7)(C) having difficulty with his speech and remembering common words, such as "window" and "sliding glass door", to the point of displaying frustration openly with his decreased verbal recall.

2. RA inquired if (b)(6), (b)(7)(C) remembered speaking with him recently on the telephone and he responded "no" (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) short term memory was severely impacted by his bicycle accident). (b)(6), (b)(7)(C) knew the month was July and the year was 2016, but offered he had just started working with a speech therapist and was required to keep a daily journal to help "his recall". RA reminded (b)(6), (b)(7)(C) they previously spoke on the telephone about (b)(6), (b)(7)(C) concerns that the military owed (b)(6), (b)(7)(C) back pay. (b)(6), (b)(7)(C) responded in the affirmative, noting he served active duty in the Navy. RA reminded (b)(6), (b)(7)(C) he had never served in the military and (b)(6), (b)(7)(C) became emotional (b)(6), (b)(7)(C) interjected and told RA (b)(6), (b)(7)(C) often combines different factual stories from their past and involving family members, becoming his new truth). RA inquired if (b)(6), (b)(7)(C) was familiar with the Office of Naval Intelligence (ONI) and (b)(6), (b)(7)(C) responded he had worked for "those guys back in DC", providing them with criminal information on numerous individuals which lead to multiple arrests and subsequent convictions in federal court (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) has never been east of the Mississippi River, never worked for any intelligence service or law enforcement agency, and never attended any legal proceeding in federal court).

3. (b)(6), (b)(7)(C) offered that he had contacted ONI back in April of this year and jokingly told them he had an unidentified flying object (UFO), in his backyard, with lasers, he was willing to share for monetary compensation. RA advised (b)(6), (b)(7)(C) he had listened to the recorded telephone conversation and suggested (b)(6), (b)(7)(C) wasn't being completely truthful. (b)(6), (b)(7)(C) appeared confused and was becoming increasingly emotional. RA reminded (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) he had called in a bomb threat to ONI. (b)(6), (b)(7)(C) broke down crying, saying he loved his country and he would never threaten anyone who was

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 25APR16-DCWA-0113-7BNA

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supporting the government. (b)(6), (b)(7)(C) was apologetic and suggested his words were taken out of context. (b)(6), (b)(7)(C) appeared sincerely remorseful and genuinely confused by these events (b)(6), (b)(7)(C) re-iterated that (b)(6), (b)(7)(C) short term memory was severely impacted by his accident).

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY LEMOORE

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PAGE 2 / LAST (b)(6), (b)(7)(C) LNN

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